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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,223	12/31/2003	Michael D. Hamerski	57920US002	6644
32692	7590	05/05/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			KING, ANITA M	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	
			3632	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/750,223	Applicant(s) HAMERSKI, MICHAEL D.	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RD

This is the second office action for application number 10/750,223, Magnetic-Adhesive Mounting Device, filed on December 31, 2003.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,258,493 to Kettlestrings et al., hereinafter, Kettlestrings. Kettlestrings discloses a first structure comprising a permanent magnet (42) having a first magnet surface adapted to be positioned along a surface of a second structure (52), the first structure including a permanently affixed layer of removable pressure sensitive adhesive (50) having a surface parallel with the first magnet surface positioned to releasably adhere to the surface of the second structure to thereby restrict slipping of the surfaces of the first structure and the second structure relative to each other; wherein the layer of removable pressure sensitive adhesive extends over the first magnet surface; wherein the layer of removable pressure sensitive adhesive has a surface coplanar with the first magnet surface; wherein the layer of adhesive extends around a periphery of the first magnet surface; wherein the first structure is to be supported on the second structure and further comprises means (43) along a second surface of the magnet opposite the first magnet surface for supporting a third structure (44) on the first structure; wherein the first structure is to be supported on the second structure and further comprises means along a second surface of the permanent

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magnet opposite the first magnet surface for forming a visual display; and wherein the first structure is to be supported on the second structure and further comprises a display item along a second surface of the permanent magnet opposite the first magnet surface.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,683,520 to Sakai and in view of Japanese Publication 07-284439 to Minae. Sakai discloses a first structure (1) comprising a permanent magnet (11) having a first magnet surface adapted to be positioned along a surface of a second structure (6) comprising a layer of ferrous or ferromagnetic material so that one of the structures can be supported on the other structure by magnetic attraction, the first structure including a permanently affixed layer of pressure sensitive adhesive (4) having a surface parallel with the planar magnet surface positioned to releasably adhere to the surface of the second structure to thereby restrict slipping of the surfaces of the first structure and the second structure relative to each other; wherein the layer of removable pressure sensitive adhesive has a surface coplanar with the first magnet surface; wherein the first structure is to be supported on the second structure and further comprises means (3) along the a second surface of the permanent magnet opposite the first magnet surface for supporting a third structure (2) on the first

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structure; wherein the first structure is to be supported on the second structure and further comprises means along a second surface of the permanent magnet opposite the first magnet surface for forming a visual display; and a display item (2) along a second surface of the magnet opposite the first magnet surface. Sakai discloses the claimed invention except for the limitation of a permanently affixed layer of removable pressure sensitive adhesive. Minae teaches a hanger device comprising a first structure including a magnet (5) having a first magnet surface and further including a permanently affixed layer of removable pressure sensitive adhesive (6) having a surface parallel with the first magnet surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the opposing surface in Sakai to have included the adhesive as taught by Minae for the purpose of providing a means to prevent slide and damage to the magnetic surface.

Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,472,037 to Paulus in view of Minae. Paulus discloses a first structure comprising a permanent magnet (30) having a first magnet surface adapted to be positioned along a surface of a second structure comprising a layer of ferrous or ferromagnetic material so that one of the structures can be supported on the other structure by magnetic attraction; wherein the first structure is to be supported on the second structure and further comprises a means along the second surface of the magnet opposite the first magnet surface for supporting a third structure on the first structure; and wherein the means for supporting a third structure on the first structure is a clamp (20).

Paulus discloses the claimed invention except for the limitation of an adhesive attached to the first structure. Minae teaches a hanger device comprising a first structure including a magnet (5) having a first magnet surface and further including a permanently affixed layer of removable pressure sensitive adhesive (6) having a surface parallel with the first magnet surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the opposing surface in Paulus to have included the adhesive as taught by Minae for the purpose of providing a means to prevent slide and damage to the magnetic surface.

Response to Arguments

Applicant's arguments, see correspondence, filed February 24, 2005, with respect to the rejection(s) of claim(s) 1-9 under 35 USC 102(b) and (102(e) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of references to Minae and Kettlestrings.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,350,045 to Mayers

U.S. Patent 3,604,673 to Klein

Great Britain Publication 2,191,089 to Sano


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Mayers discloses an article holder using a magnet and adhesive. Klein discloses a picture straightener using pressure sensitive adhesive. Sano discloses a device for hanging articles including a magnet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

May 2, 2005